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THE Widow LUTTEREL's CRY for JUSTICE,

For the BLOOD of her

Murthered HUSBAND.

Being, a Faithful NARRATIVE of the MATTER of FACT.

CONTAINING,

I. An ACCOUNT of the Incivilities used by Beaton and Tranter, the Two Bayliffs, to Capt. *EDWARD LUTTEREL* upon the Arreſt, only for the Sum of Ten Guineas, due to Mr. *Rous*, a *Taylor*, in *Salisbury-ſtreet* in the *Strand*.

II. Their Barbarous Treatment of Him in his Lodgings, upon his Refuſing to comply with their Exorbitant Demands, by Shooting him with his own Piſtol, and afterwards giving him Ten Wounds in his BODY.

III. His own Relation of the FACT to the Reverend Mr. *Peters*, after he had received the *Holy Sacrament*.

IV. The DEPOSITIONS taken before the Coroner's Inqueſt, who brought in their Verdict of its being a Wilful and Barbarous Murder.

V. The Legal FEES of ARRESTS, to prevent the Extortion of BAYLIFFS.

Drawn up by a Gentleman of the Inner Temple.

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MVSEVM
BRITAN
NICVM

AN ACCOUNT OF THE MURDER OF Captain *LUTTEREL.*

THAT the Miſcreants called Bailiffs, are neceſſary Evils; that their Office in Executing the King's Writs is warrantable by Law; and that Obedience ought to be paid to thoſe Writs in Vertue thereof, is held undeniable. But when theſe Refuſe of Mankind, Bullies without Bravery, Retainers to Brothel-Houſes, and ſuch like Places of Scandal and Con-

Contempt, abuſe the Power they are inveſted with, and like *Muſtapha*'s Rabble in the Play, exceed their Commiſſion, and by *boiling uppermoſt* (as the Scum always does) froth themſelves into Indecencies, Outrages, and Murthers; 'tis equally true, that no Puniſhment within the Bounds of the Statute, can be judg'd too ſevere for them.

IF Humanity be liable to Misfortunes, as moſt aſſuredly it is, what human Treatment ought not to be ſhewn to Perſons labouring under them? In other Countries, Property, in Caſes of *Meum* and *Tuum*, is as well Secured as in this, that is boaſtedly the Seat of Liberty; and yet in None of them are to be found Jayls fill'd with periſhing Debtors, or Spunging-Houſes ecchoing forth Oaths, Execrations, and Threats from the Mouths of Wretches, that ſtile themſelves *The King's Officers* (in Imitation of the Horſe-Dung that ſaid to the Apple, Siſter, how we Apples ſwim) on their Priſoners refuſal to comply with Extortions for pretended and imaginary Civilities. The leaſt Inſight into the Cuſtoms now in uſe with any one of theſe Kingdoms or States; nay, if we look no further than the Northern Part of this our Native Climate of *Great Britain*, called *Scotland*, we ſhall there find no Hurrying away to Priſon, no Roughneſs of Inſulting, no Exorbitant Demand for

Attendance and Bail-Bonds, to prevent Confinement: All Things are there carried easy and smooth, fair and above-board, without Collusion, Menace, or Deceit. The Debtor has first Notice, by a Summons, before any Process is issued out against him, to appear before the Magistrate, who is to judge whether he be Solvent or Insolvent, and to appoint such Time or Times for Payment, by certain Portions of Money, as the Circumstances of the Person conven'd before him shall be thought able to bear. Nor do they ever proceed to the Severities of Horning and Imprisoning, till he that is thus pursued and deemed worthy of Confinement, shall either refuse to appear at being Summon'd, or act contrary to the Conditions which are to be made good after.

Our good Allies, the *Dutch*, whom we are so very fond of Copying after in Things that have less tendency to Christianity and Acts of Mercy, go even yet further Lengths of Compassion, and when the Creditor will come to no other Terms, than Money down, or a Prison, cause the confin'd Person to be maintain'd at his Cost, according to the Quality or Station of the Debtor. Such are the happy Constitutions that hold in Observance the Civil Law, which is most undoubtedly founded on that of God; while we, who undertake to refine upon both, by introducing

ducing the Common Law in this Kingdom, never heard of before the Days of *William*, ſirnamed the Conqueror, who with New Laws, and Lords, gave Room for the Introduction of New Statutes and Cuſtoms. Hence was it, that Cruelty and Oppreſſion took its Riſe; hence, that Litigants in ſhoals crouded our Courts of Juſtice, and the Clamours of the Bar gave Being to the Cries of the Afflicted, that lay ſtarving in Priſons through the Barbarity of Mercileſs Plaintiffs; and hence, that New Jayls were erected for Men to periſh alive in, and in good Health, the Old ones being infinitely too few to contain the almoſt numberleſs Inſolvents that were thrown into them, without any Regard to their unhappy Circumſtances.

NOT but that ſufficient Proviſion is made by our Legiſlature in the Common Law, againſt Abuſes of all Kinds; but what with Innovation in Practice, and a heedleſs neglect of putting Rules to be obſerved in Execution, ſo it is, that Enormities of the worſt kind have got ſuch Footing for want of Diſcouragement, as even to be countenanced from the *Bar* (*far be it we ſhould ſay from the Bench*) to the Fellows, who from being *Varlets* of the *Law*, may deſervedly, with the *Common Hangman*, be called Finiſhers of it; and all this thro' an habitual Supineneſs, in not having Recourſe to the proper Eſtabliſhments

blishments whereon the Fees are settled, that are to be taken by such as Minister at all Our Courts of Justice, the Detail of which shall be given at the Close of this little Narrative, with Rules for any poor Debtors Instruction and Defence, whereby he may walk with Circumspection and Safety, without being laid hold of and stripp'd by Canibals, who instead of getting deluded Creditors their Money, render those that might otherwise pay to the uttermost Farthing, altogether incapable of making any Satisfaction. Instances of this kind are so frequent and common, that it is almost Matter of Wonder, that any of these Blood-Sucking Leeches, meet with Encouragement or Employment, since it is as visible as the Sun at Noon-day, that greater Sums of Money due are lost from Persons render'd Insolvent by Arrests and Imprisonment, than ever were obtain'd by such rigid Severities, and that Thousands spend their whole Substance in absconding from their Employments, in the *Mint*, and elsewhere, for fear of falling into the Hands of *Murtherers*, called *Bailiffs*; that might, if allowed the Liberty of following their Occupations without Dread, have lived in Credit and Reputation, by a faithful discharge of their Debts, and Consciences.

THE first of these Two Assertions is but too sadly verified in the Case of the unhappy Gentleman, whose Blood cries out for Vengeance now before us, and who has been sent out of the World in the Flower of his Age, as a Sacrifice to the Guilt and Avarice of Two as Villanous Homicides and Extortioners as ever drew Breath.

THE Gentleman deceas'd, Mr. EDWARD LUTTERELL, had been an Officer in the Foot-Guards about Seven Years, but Sold his Commission about Two Years since, for Eleven Hundred Pounds, with intention to purchase some other Employment, when Occasion should offer, he having sufficient to maintain himself and Family with the Interest of that Sum, and another of Two Thousand Pounds, which was his Wife's Portion, and settled in Jointure, till that Opportunity should present, which accordingly did, some Weeks before his Death, by an Exempt's being dispos'd to Sell in the Horse-Guards, and by the Succession to an Estate of Five Hundred Pounds *per Annum*, that fell to Him much about this Time.

ACCORDINGLY the Bargain was made, and nothing remain'd to make it good but the Payment of the Money, which was to have been

been made ſome few Days after that whereon he receiv'd his Death's Wounds, which was on *Tueſday* the 17th of *October* laſt paſt, when thoughtleſs of any fatal Diſaſter, he went from his Lodgings in [illegible]*ey-ſtreet*, to take Water at the Stairs [illegible], for the *Tilt-yard* Coffee-houſe at *White-hall*, to Meet the Officer whom he had negociated with.

BUT he was to light into the Hands of another Sort of Officers; and one HUGH Beaton, and Robert Tranter, Two of the Sheriff of *Middleſex*'s Caitiffs, were in wait for, and laid hold of him for a Note under his Hand, of Ten Pounds Ten Shillings, given to one Mr. *Rous*, a *Taylor*, in *Saliſbury-ſtreet* in the *Strand*, and by him Endorſed to one Mr. *Car*, of the ſame Profeſſion. The Blood-hounds were inſtantly for hurrying him away to the Spunging-Houſe; and, tho Mr. LUTTERELL deſired them to go with him in the Boat, and he would pay them the Debt, at the Coffee-houſe above-named, and their Fees for the Arreſt, would not yield to his Requeſt, but told him, the Plaintiff was at the *Crown* Tavern in *Arundel-ſtreet*, whither they would carry him, in Order to make up the Matter there; with Intent to march off with him from thence to Tranter's Houſe in *Witch-ſtreet*.

AT last, after much Entreaty, and many Promiſes, of paying down the Money upon the Nail, they were prevailed upon to go with him to his Lodgings, next Door to the Arch that leads into *Strand Lane*, where he went up Stairs with them, and after asking for the Attorney's Bill, which **Tranter** was diſpatch'd to fetch from *Clement*'s Inn, went up to his Bed-Chamber, where his Lady was Dreſſing, to bring the Money, and came down again with it. None but **Reaſon** was now with him, and Words aroſe between them about the Charges, **Reaſon** inſiſting for Three Guineas Civility Money, or elſe he ſhould be dragg'd away to the Spunging-Houſe.

THE Gentleman, as well he might, thought this too Exorbitant a Demand, and would not be Encroach'd upon; and, in Anſwer to ſeveral Abuſes, caus'd him to ſtay upon the Stairs-head, till **Tranter's** Return, when he would pay the Debt and proper Charges, which **Reaſon**, like moſt Bullies, when he found he could not help, complied with.

Tranter, accordingly, without asking **Reaſon** the Occaſion of his having left the Room, with the Attorney's Bill in his Hand, open'd the Door in a violent Manner,

and

and Ruſhed in, which animated Reaſon to follow, and gave the Captain juſt Cauſe to ſuſpect they intended to uſe violent Means with him. He therefore put himſelf on his Guard with his Cane, without drawing his Sword from his Side, and ſtruck Reaſon (as 'tis ſaid) three or four Blows with it. Upon this, while Trantet cloſed in with him, and was buſied in taking away his Sword from his Side, which after ſome Struggles was done, his Brother Aſſaſſin took one of the Piſtols, and firing it inſtantly, ſhot Trantet through the Hand, and by a glance of the Bullet raz'd ſome Part of the Captain's Head. This done, the Villain fired again with a Brace of Balls, whereof one went out of Side from another, while the other lodg'd in the Cavity of his Body, which proved afterwards Mortal. Not holding themſelves content with diſabling him from doing any manner of Miſchief, either by making his Eſcape, or committing Acts of Violence, for he was fallen proſtrate on the Ground, the Villains, to do their Work throughly, ſheath'd his own Sword in his Bowels, and after divers Stabs, to the Number of Ten, were going on with more; when the Noiſe of the Piſtol diſcharg'd, and the Cries of the Gentleman ſo Inhumanely Butcher'd, called in divers Neighbours, who ſurpriz'd them in the very Fact, and caus'd them to deſiſt.

THE Bailiffs, for their Part, were in no want of Aſſurance that is always inſeparable from that Sort of Profeſſion, and brazen'd it out, that what had been done, was in Execution of the King's Writ, and in their own Defence, to prevent the Priſoner from making his Eſcape; but the Captain, who had yet Strength enough left, notwithſtanding the Number of his Wounds, which were no leſs than Eleven, all of them very deep, declared he had no Intention of doing them any manner of Miſchief, either by getting from them, or otherwiſe, but of paying the Money, which was then in the Room for that End; and that they were the Aggreſſors, in uſing forcible Endeavours to make him comply with their lawleſs Demands.

BE that as it ſhall afterwards appear, the Murtherers, who had Impudence enough to affirm themſelves guiltleſs, while they own'd he was kill'd by them, and made no Attempt to fly after the Perpetration of the worſt of Crimes, that are to be found in all the black Catalogue of Sins, were ſeized upon the ſpot, and carried before a Neighbouring Juſtice of the Peace, who upon the Depoſition of the Surgeon called to the Gentleman ſo barbarouſly dealt withal, that his Wounds were Mortal, committed them to *Newgate*, there to abide till deliver'd by due Courſe of Law.

HAVING

HAVING lodg'd them ſafely in the ſame Strong Hold, whither they had without any manner of Compunction carried many a miſerable poor Inſolvent, it is but meet that we look after the Iſſue of this Melancholy Affair, which, it is to be hoped, will pave the Way to their being brought to Condign Puniſhment.

AMIDST the Tears of a tender Wife, now deploring the ſad Diſaſters that had befallen the beſt of Huſbands, we are, now, to take a View of Mr. LUTTERELL in his Behaviour on his Death-Bed, where he that wants Comfort himſelf, amidſt the Pains and Tortures of a wounded Body, poſſeſſes his Soul in Peace and Reſignation, and breaths out Conſolatory Advice, in drawing his laſt Breath, to thoſe that with the utmoſt Sorrow bemoan his approaching Diſſolution. There we ſhall find him recollecting the Sins of his Youth, and with the greateſt Fervency of Devotion aſking from Heaven Forgiveneſs of them: There, making Preparations for Eternity, by unboſoming himſelf freely to the Clergyman that attends him in his laſt Moments, and diſcloſing all the paſt Errors of his Life, that he may obtain the Benefit of Abſolution here on Earth, in order to the Remiſſion in the higheſt Heavens; and there, in a word,

performing

performing all the Duties of a good Christian, in Pardoning his Enemies, nay, even his very Murtherers, a Work very difficult to Flesh and Blood, under his Agonies and Distress, before his Admission to partake of the Blessed Sacrament of the Lord's Supper.

A Person in these Circumstances, at the very Brink of Everlasting Happiness or Misery, cannot be supposed to go out of the World with a Lie in his Mouth. If Truth is spoken in any one Point of Life, 'tis certainly in that when a Period is going to be put to it; when Dissimulation and Disguise, when Falshood and Collusion, when Revenge and Malice will be of no other Availment to us, than to make us Eat and Drink our own Damnation, and to plunge us into infinite and insupportable Torments.

'T WAS in this State, this undissembling Condition, that Mr. *Peters*, one of the Readers of St. *Clement Danes* Parish, came to him at his own Request, to have the Holy Communion from his Hands: That Reverend Minister had no sooner said he could not give it him, unless he declared his Forgiveness of the very Persons that caus'd his Untimely End, but Mr. LUTTEREL, with Eyes lift up to Heaven, cry'd, *Lord, I forgive them, do thou in Mercy do the same, and lay not the Guilt of my Blood to their Charge, though at an Earthly Tribunal*

Tribunal they may ſtand Condemn'd, for they *have moſt Barbarouſly Murder'd me*. Mr. *Peters* then having given him the Holy Euchariſt, in the Preſence of *Joſeph Haines* Eſq; and another Neighbouring Juſtice of the Peace, who Sign'd his laſt dying Words, proceeded to interrogate him, concerning the real Occaſion of his Wounds; or whether or no he had offer'd to Eſcape, or had been the Aggreſſor in a Quarrel for that Purpoſe? To this it was anſwer'd in the Negative, *That far from any ſuch Intent, he had got the Money for them, and offer'd them Payment thereof, in Diſcharge of the Debt for which he was Arreſted; but that they, more eſpecially* **Reaſon**, *inſiſted upon Three Guineas, beſides the Fees of the Arreſt, and the Attorney's Bill, or they would drag him to Jayl, and Saddle him with more Writs, Aye, that they would. Upon which, to bring them to more Reaſonable Terms, he made a Tender of a Guinea, by way of Preſent, for their Civility. But they fell a Swearing and exalting their Voices, and were dragging him out of the Houſe.* But who ſtruck the firſt Blow, *ſays the Miniſter*, 'tis given out that you did, and that you had provided your ſelf with Piſtols for that purpoſe? *When they Ruſh'd upon me to ſeize me, and to uſe me roughly*, reply'd the dying Man, *I might ſtrike one or both of them, perhaps, with my Cane, but I neither drew Sword nor Piſtol, nor were the Piſtols in the Room for*

any

any other Intention than Self-Defence. But as I was going to pay the Money, the Officers gave me very ill Language, not to be born by a Man of Honour, or one that had Regard to a Gentleman's Character, because I would not give them what they demanded, which they called Civility Money, which provoked me to ſtrike. That thereupon Reaſon *took up a Piſtol, and firing once, graz'd upon me; then taking up another, ſhot me through the Body, and with my own Sword gave me afterwards the Stabs that occaſion my Death, while* Cranter *held me down.* Then he declared, that what he had Depoſed, and was Signed with his own Hand, and thoſe of Two Juſtices of the Peace, proceeded not from any Malice, or Ill-will, that he bore to the Bailiffs, but was Truth, as he *was to anſwer to God at his Judgment-Seat in a little Time.*

WHICH brings us to his Death, the Sting of which was born by him with incredible Patience the Day following, having no other Regret at parting with the Bleſſings of a well-ſpent Life in this Earthly World, than that he was to leave behind him an unfortunate Widow, who would doubly feel the Pangs he felt in her Separation, from a Perſon ſo tranſcendently beloved for his faithful Diſcharge of all the Duties incumbent upon him, as a Huſband and a Gentleman, without any Manner of breaking in

upon

upon the Rules that were to be Obſerved in the One Capacity or the Other.

HAVING given the Reader his laſt dying Words, in Terms as near as poſſible to thoſe of the deceas'd, whom all that had the Happineſs of his Converſation, will atteſt to be a Gentleman of Truth and Sincerity, and in Behalf of whoſe inoffenſive and courteous Demeanour, all the Officers of the Firſt Regiment of Guards, (whereof he had the Honour to be one) as well as thoſe of the Second and Third, are ready to appear, on a proper Occaſion: We, of Conſequence, are brought to the Coroner's Inqueſt, which conſiſted of Neighbouring Houſe-keepers, and from Viewing the Body, adjourn'd to the *Sun* Ale-houſe, over-againſt *Norfolk-ſtreet*, there to receive Depoſitions, and debate ſuch Matters, as ſhould occur in Evidence of the Calamitous Diſaſter, that fell under their Cognizance.

WE are eaſily to be Credited, if we ſay, the Commitment of **Reaſon** and **Tranter**, was of ſuch Concernment as to alarm the whole Fraternity of Bailiffs, who in Aid to their Brethren in Durance, made their Caſe their own. For it was but natural for them to conclude, that if they ſhould have the Reward of their Demerits, and ſuffer Death for it, ſuch Examples of Juſtice would put

a Curb upon future Barbarities, and reſtrain and deaden the Trade of Inſolence and Extortion, which they had hitherto carried on without Animadverſion or Controul. Means were therefore to be made uſe of, and thoſe are always at Hand, where no Scruples ariſe as to Oaths and Atteſtations; and to ſwear and forſwear is of equal Moment, ſo it turns to Advantage. Hence was inſtantly gather'd a whole Collection of Affidavits, and this and that Knight of the Poſt, after they had held a Conſultation (not unlike *Milton*'s black Divan in Hell) how to face down Demonſtration itſelf, had his Cue given him, to make the deceas'd a Sort of a *Felo de ſe*, in drawing down the Misfortune that had happen'd upon himſelf, by depoſing, That he was one of thoſe, whom theſe Vermin call Killing Captains, a meer Bravo, one that paid his Debts no otherwiſe than at the Point of his Sword, and was a Common Nuſance to Mankind, in fraudulently treating all that he dealt with. This Hireling was to ſay, That he had reſcued himſelf ſeveral Times, in attempts to Arreſt, from him, Sword in hand; and that had it in his Inſtructions to aver, that the Captain always went with loaded Piſtols in his Pocket, and was ſo formidable thereby, as not to be attacked without great Difficulty and Danger. Whereas the unhappy Gentleman, thus unworthily traduced in his Reputation,

which

which he ever maintain'd inviolate and untainted, was no ways capable of making Reſiſtance of any kind, from the Smallneſs of his Stature, and the Weakneſs of a Conſtitution, unable to Cope with ſuch boiſterous and ſinewy Fellows, that are exerciſed in Employments of that Nature; and had ſo little Apprehenſions of any Encounter with them, that he had a very few Debts to make Payment of, except the ſmall Sum for which he was taken in Arreſt, and which he had given Aſſurances of Diſcharging, in very few Days, to Mr. *Rous*, (to whom he had given the Note) but the *Sunday* before his deplorable and untimely Death. For he was unwilling (though always ready to do Juſtice) to break in upon Fifteen Hundred Pounds, depoſited in Mr. *Templeman*'s, the *Banker*'s, Hands, for the Commiſſion to be bought, as beforemention'd; and for that Reaſon, in moſt obliging Terms, was deſirous of that Forbearance from his rigid Creditor; to the Refuſal whereof, it is certain his Loſs of Life is juſtly to be aſcribed.

BUT all their Preparations and Efforts, either to tamper with the Jury, who were honeſt and uncorrrupted to a Man, and to avert the Eyes of the Coroner in his Inquiſition for Blood from thoſe who were *really Criminal*, to him that had Crimes *laid to his Charge*, when dead, *that he knew not*, when

living, were of no other Effect, than to give those Advocates for Cruelty to understand, that the Purport of their being conven'd together extended no further, than to represent to the Court appointed for the Trial of such heinous and loud-crying Offences as Murther, *&c.* after what Manner, and by whom the Person under their Cognizance was killed, and that it was not a Thing belonging to their Province, by a final Judgment, to Condemn or Acquit; but their Application (if it had any Right of Foundation for it) was to be made to those who had the Prerogative of passing Sentence in Determinations of that kind, on the Seat of Judgment.

THESE Stifflers of Truth, being thus baulk'd of Obstructing the due Course of Procedure with the Coroner, and palming pretended Provocations given by the deceas'd, instead of real ones, and those plentifully bestow'd on Him by the Bailiffs, whom we have already made out to be Aggressors: It remains for us to prove what we above asserted, by particular Attestations made before the said Coroner, *Charles Higgs*, Esq; who took them upon Oath.

AND here, to be sparing of as much Time as possible, though several Persons were examined, as the Watermen at *Surrey*-Stairs, and

and others, whoſe Evidences were all in Favour of Mr. LUTTEREL, though not Material enough to the Point under Debate, *viz.* his Murther, and the Examination took up Two ſeveral Sittings, by Reaſon of the Obſtructions purpoſely thrown in its Way by the Bailiffs Agents. We ſhall only make mention of the Depoſitions of Three ſufficient and unqueſtionable Witneſſes, who, if they repeat the ſame Words at the *Old-Bailey*, or the Subſtance of what they here ſwore to, will be of Validity enough moſt effectually to do the Work that is propoſed by this Narrative, which is, to cauſe Satisfaction to be made to the King for the Loſs of a moſt faithful Subject, and a diſconſolate Widow for that of a moſt indulgent and affectionate Huſband, in the Puniſhment of thoſe Aſſaſſins that robb'd him baſely, cowardly, and inhumanely, of his moſt precious Life.

Thomas Smith, a Lad that waited upon Mr. LUTTEREL, declared upon the Oath he had taken, That upon the coming in of Cranter into the Room where his Maſter was, he was diſpatch'd to call his Miſtreſs, but was no ſooner out of the Dining-Room Door, but he heard a Noiſe of very high Words, and afterwards of ſomething he ſuppoſed to be a Stroke; wherefore he immediately return'd, and ſaw the Captain thruſt up againſt a Peer-Glaſs that ſtood Street-

ward,

ward, by **Tranter** the Bailiff, and which Glaſs was broken by his Maſter's Head forcibly flung againſt it. The next Object of Horror and Amazement was **Reaſon**, after the diſcharge of a whole Volley of Oaths and Imprecations with a Sword, making a full Thruſt into his Maſter's Body; and immediately after endeavouring to follow it with a Second; The young Man ſtopp'd his Hand; whereupon, **Reaſon**, with moſt execrable Oaths and Threatnings, told the Lad, that unleſs he inſtantly quitted the Room, he ſhould die firſt, and be *ſent to Hell* (for that was the Murtherer's way of expreſſing himſelf) before his Maſter. So that, for fear of his own Life he thought it beſt to depart, and to endeavour, if poſſible, to bring in Aſſiſtance to the poor helpleſs Captain, by crying out Murther.

Heſter Deerham depoſed, That ſhe being in another Room when her Fellow-Servant cry'd out Murther, enter'd the Dining-Room, and ſaw her Maſter lying on his Right Side, but leaning with his Face towards the Ground, and his Hands lifted up, as a Signal of his Prayers for Mercy; and theſe inhuman Murtherers thruſting their Swords into all Parts of his Body as faſt as they could, nay, with this aggravating Circumſtance, that one of them had both his Hands upon his Sword, (which muſt be **Tranter** with the Captain's)

as he thruſt, to do it with the greater Vehemence; and that ſhe being likewiſe in imminent Danger from the Threats of the Bailiffs, alſo withdrew, and cry'd out Murther.

A *Shoemaker*, to corroborate their Evidence, as to the Point not yet ſpoken to by either of theſe Two, averr'd, That he being at Work in his Lodgings over-againſt the Captain's Dining-Room Window, in *Surrey-ſtreet*, ſaw **Reaſon** fire upon Mr. LUTTERELL with a Piſtol, and he ſuppos'd he miſs'd his Aim, and therefore fired again at him with another. A Lodger likewiſe at the *Cheſhire* Ale-Houſe, over-againſt the Lodgings, is ready to atteſt, though not Summon'd by the Coroner to give Oath, that he ſaw **Reaſon** fire both the Piſtols, and that at the Second ſhot Mr. LUTTERELL fell, with **Tranter** groveling with him on the Floor. *N. B.* 'Tis hop'd, the Proſecutor will not fail of citing this Evidence, into Court, at the Trial.

Mr. *Giffard*, a *Surgeon* in *Norfolk-ſtreet*, Mr. *Sparham* in *Eſſex-ſtreet*, Mr. *Everard* in *Sheer-Lane*, near *Temple-Bar*, and Mr. *Green* in *Newgate-ſtreet*, all Three likewiſe of the ſame Profeſſion, gave it as their Opinion, That Three of his Wounds were Mortal, *viz.* That cauſed by the ſecond Shot, where, by a Bullet

Bullet that was lodg'd in his Body, which they were obliged to take out by Inciſion, with a piece of his Shirt and Waiſtcoat; that one of his Ribs was thereby broken, and that he had Nine or Ten other Wounds of a Sword or Swords, Three whereof would have been incurable, excluſive of that given by the Bullet.

THE Captain's Boy being again interrogated, at the Inſtances of the Bailiffs, as to the Piſtols being in the Room, replied, His Maſter had deſign'd to ride out that very Afternoon, as he was often wont, and that when he went out of it firſt, they lay at the oppoſite Side to that where he found the Captain thruſt up by the Bailiffs, ſo that it was impoſſible for his Maſter, who was a weak little Man, to come at them.

BUT the moſt ſignificant Evidence of all, though the Four foregoing are ſufficient to ſet aſide the beſt Defence that Art, Induſtry, or Subornation can make in Behalf of the Priſoners that are ſpeedily to be brought upon Trial, is what has been recited before, from the Depoſitions of Mr. *Peters* of St. *Clement Danes*, in his Examination before Mr. *Vernon* and Mr. *Haines*, Two of his Majeſty's Juſtices of the Peace for the County of *Middleſex*, which cannot but be of ſuch Weight, as by a vaſt inequality to over-

ballance

ballance whatſoever can be put in the Scales of Juſtice againſt the Agents of Satan, never ſo fruitful in their Production of Wretches thoroughly vers'd in Negative Oaths, or never ſo ſtudiouſly Wicked, in prevailing with others to be ſo, in abandoning their Conſciences to the vileſt of Proſtitutions, that of Perjury.

THE Publick Prints * give us an Account, that the Priſoners have found out a *Bricklayer*, Caſe-harden'd enough to declare, That being at Work on the Top of an adjacent Houſe, he ſaw what paſs'd between Mr. LUTTEREL and the Bailiffs, and could diſtinguiſh that the former, fired the firſt Piſtol; yet this Fellow perhaps, according to the Manner of ſuch Witneſſes, may be got tripping in his Teſtimony, and rather be inſtrumental in Hanging thoſe for whoſe Preſervation he is employ'd, than bringing them off; for Truth is great, and will prevail, not only from the Multitude of Proofs that will be brought in Bar of his ſingle Aſſeveration, but the Judge of the Court of *King's-Bench*, will not hear the Voice of that charming *Syren* Corruption, charm ſhe never ſo Wifely.

* See the *Daily Journal*.

THEIR Pretence of being in the *Execution of their Office*, will likewise fall to the Ground, when as we are assur'd their *Writ* was not back-ed by the Honourable the Chancellor of the Dutchy of *Lancaster*. †

WHAT Excuse then remains for the Acquittal of these barbarous Wretches at a Bar of Justice? Can a Jury of any Probity, of any Bowels of Compassion, be so deaf to the Voice of a Murther that cries out with such Importunity, as this does, for Vengeance and Satisfaction, as not to bring them in Guilty? We are not so much as to suppose it; the very Thought is almost Criminal.

TO US having given the whole Procedure of this Affair, which though presented to View, without the moving Eloquence of Orators; to whose Sphere it belongs, in the Behalf of an afflicted Widow, nay, of Thousands that may be subjected to the like Misfortunes; to move the Passions, and excite the Indignation of all that have Hearts abhorrent of the Barbarities therein contain'd; we are to conclude in Performance of our Promise, with giving an Account of the Legal Fees for Arrests.

* See the Daily Journal.

† See, *Daily-Post*.

IT is very neceſſary for any Perſon under an Arreſt, if it can conveniently be done, to ſend to the Compter inſtantly, and ſee for the Entry of the Action; or if in the Out-Parts to ſearch the Office whereunto the Fellow that executes the Attachment, is an Under-ſpurleather; for the Serjeants and Yeomen that do this ſort of dirty Work in *London*, ſeldom enter the Action or Writ, but ſink the 16 *d.* put into their Hands for that end, leſt the Defendant ſhould have Notice; and the Retainers to other Courts, *viz. Kings-Bench, Common-Pleas, Marſhalſea*, &c. Copy after them to a Hair, who are alike in this ſort of Practice, and if detected (as often they are) are liable to be Sued for falſe Impriſonment. As for the latter ſort of theſe Canibals, ſcraping of Writs is in uſe with them, and it's as common to put a New Plaintiff's and Defendant's Name into an Old Writ, as it is to Execute it. But this is to be diſcover'd by holding it up to the Light of a Candle; and for the two former, they always keep Blank Warrants by them, which to ſave the Expence of being fill'd up by the Clerks of the Sheriffs Office for a Groat, they either fill up themſelves, or get ſome Petti-fogger to do it for them, who if caught in the Fact, he is likewiſe liable to be Sued. The Coſt of a *Marſhalſea* Court Writ if under 40 *s.* is 1 *s.* 6 *d.* if above 2 *s.* 6 *d.* that of

Executing only 2 *s.* A *King's-Bench* Writ or Proceſs in the *Common Pleas*, 3 *s.* 6 *d.* Execution of either, 5 *s.* only, though they will Demand 10 *s.* as a City Serjeant at Mace, will do 5 *s.* when the Table of Fees only allows 2 *s.*

ANY Perſon thus taken into Cuſtody, if he has no Bail at Hand either in the City, or elſewhere, and he finds his Creditor inexorable and averſe to Terms of Accommodation, without the Payment of the laſt Penny; he looſes his Time and his Money too; if he ſuffers himſelf to be detain'd in a *Spunging-Houſe*, where they will reckon him 2 *s.* for a Bed the firſt, and one for each Night ſucceeding, when the Court, upon Complaint, will redreſs that Grievance, and allow him 4 *d.* for the Sheets, each Night; but if he be wiſe, he will demand to be carried to Priſon, where his whole Rent is but 2 *s* 6 *d. per* Week, and where he may Nonſuit the Plaintiff in Caſe of his not bringing a Declaration, the firſt Court Day after the Arreſt in the City and *Marſhalſea* Court, St. *Katherine's*, *White-Chapel*, *&c.* and in two Terms after the Attachment, in the other Courts, which cannot hold to Bail under a Debt of 10 *l.* but muſt take a Common Appearance, which is entred by an Attorney for a Fee of 3 *s.* 4 *d.* *N. B.* The Bailiffs Fee, in this Caſe, is no more than 2 *s.*

If a Debt is contracted in *Middleſex*, or in any other County, and an Arreſt is made for it in the City of *London*, and he has not own'd any ſuch Debt there, and it is not upon Bond, the Defendant may plead a Foreign Plea to it, ſign'd by a Barriſter at Law, and by that means obtain his Releaſe: But he muſt do this in open Court, and upon Oath.

If an Officer refuſe to take Bail under Eleven or Twelve Shillings, which is their cuſtomary Demand, the Priſoner has it in his Power afterwards to ſerve him with a *Rule* to appear before a Judge, and he will be glad to return what he has extorted contrary to Law, nay, even to pay the Perſon agrieved double the Sum, rather than be puniſhed himſelf by Impriſonment or Mulct. Or if an Officer attempts to hold one to Special Bail, when it is not required by the Statute, and the Plaintiff cannot make out his Debt to be Ten Pounds upon Oath, the like Summons before a Judge to ſhew Cauſe why Common Bail may not be taken will compel him to do it, he being obliged to appear at the Third.

If the Defendant appear in his proper Perſon, the Plaintiff muſt Declare in Three Days, in the Courts of *King's Bench* or *Common Pleas*, otherwiſe he will pay Coſts: And if the Plaintiff has Declared, and do not call for Anſwer in three Terms after the Appearance of the Defendant, the Plaintiff ſhall be Nonſuited,

Nonſuited, have Execution brought againſt him, and be obliged to pay Coſts.

LIKEWISE if one ſhall be Arreſted in the Country upon mean Proceſs, and he be in the Sheriffs Cuſtody there for want of Bail, for the ſpace of three Terms, and he is not removed into the Cuſtody of the proper Jaylor, before you can Declare againſt him, the Party Arreſted may have a *Superſedeas*, and file Common Bail.

IN all Caſes of Arreſts for ſmall Debts under Forty Shillings, poor Inſolvents ſhould be caution'd rather to go to Priſon, whence they will be releas'd, on their Petition, after three Court Days, one of which falls out every Week, on appointed Weekly Payments, ſuitable to their Circumſtances, rather than waſte their Time in the Bailiffs Hands, and ſpend as much Money as would pay half the Debt. Examples of this Kind daily occur in the *Marſhalſea* and the Sheriff of *London*'s Courts, wherein no Action will lie againſt a Freeman under 40 *s.* but the Debtor muſt be Summon'd into the *Court of Conſcience*.

THUS having laid down a few General Rules for the Relief of Thoſe, that have the Misfortune of not being able to pay their juſt Debts, upon an Arreſt; as we have put them in a way how to obtain *Juſtice*, we hope they will deal *Juſtly* with their *Creditors*.

FINIS.